



August 28, 2000

Mr. Wiley B. McAfee  
Legal Advisor  
Irving Police Department  
Post Office Box 152288  
Irving, Texas 75015-2288

OR2000-3314

Dear Mr. McAfee:

You ask this office to reconsider Open Records Letter No. 2000-2688 (2000). Your request was assigned ID# 139689.

Initially, we note that your request is invalid because the Seventy-sixth Legislature amended section 552.301 of the Public Information Act to provide that a governmental body is prohibited from asking for a reconsideration of the attorney general's decision. Gov't Code § 552.301(f). Therefore, we do not reconsider the merits of Open Records Letter No. 2000-2688. Rather, because you suggest that an error was made in calculating the statutory deadlines applicable to your request, we will clarify the basis for our prior ruling.

In Open Records Letter 2000-2688, this office determined that you had not complied with the statutory requirements under section 552.301(b)(governmental body must submit request for ruling to this office no later than the 10<sup>th</sup> business day from the date the request for information is received). You indicate that you "have previously been informed that the date of the request is determined when the letter is sent, or postmarked." To comply with the specified time periods found in the Public Information Act, section 552.308(a) of the Government Code mandates that documents submitted by United States mail must be sent by first class mail *and must bear a post office cancellation mark indicating a time within the specified period.* (emphasis added). The envelope in which the documents in question were submitted to this office bears a postmark dated May 25, 2000, the 11<sup>th</sup> business day after the date the department received the request for information. Therefore, you did not comply with the procedural requirements of section 552.301.

Unless you file a timely challenge in district court, you must comply with Open Records Letter No. 2000-2688. If you have any questions regarding this letter, please contact our Open Government Hotline at (877) 673-6839.

Sincerely,

A handwritten signature in cursive script that reads "Carla Gay Dickson".

Carla Gay Dickson  
Assistant Attorney General  
Open Records Division

CGD/ljp

Ref.: ID# 139869

cc: Mr. B. Goeppinger  
P.O. Box 117564  
Carrollton, Texas 75011-7564